

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

KINSHU RAY, )  
)  
Plaintiff, )  
)  
v. )  
)  
C.R. BARD, INC., )  
)  
Defendant. )  
)  
\_\_\_\_\_ )

**NOTICE OF REMOVAL**

In accordance with 28 U.S.C. §§1441 and 1446, you are hereby notified that Defendant C.R. Bard, Inc. is removing this civil action from the Superior Court of Newton County, State of Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division, and in support thereof shows this Court the following:

1.

Plaintiff filed a Complaint against Defendant on September 22, 2014 in the Superior Court of Newton County, State of Georgia, Civil Action File No. 2014cv1934-3 and styled *Kinshu Ray v. C.R. Bard, Inc.* True and correct copies of all process, pleadings and orders served upon Defendant in said civil action are attached hereto as Exhibit A.

2.

Defendant received a copy of this Complaint on or about October 9, 2014. This Notice of Removal is filed within 30 days after receipt by Defendant of the Complaint, through service or otherwise, setting forth the claim for relief upon which this action is based, and, therefore, it is timely within the provisions of 28 U.S.C. §1446(b).

3.

Plaintiff's Complaint alleges that Defendant violated the Fair Labor Standards Act ("FLSA"), 29 U.S.C. Section 201 et seq. (Complaint, ¶ 2.) Accordingly, this matter is removable pursuant to 28 U.S.C. §1331, because it presents a federal question.

4.

Accordingly, this civil action is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. §1441, et seq., and one which may be removed to this Court pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

WHEREFORE, Defendant respectfully requests that the entire action referred to hereinabove proceed in the United States District Court for the Northern District of Georgia, Atlanta Division, and that no further proceeding be held in said case in the Superior Court of Newton County, Georgia.

This 28<sup>th</sup> day of October, 2014.

s/ Michelle W. Johnson  
Michelle W. Johnson  
Georgia Bar No. 759611  
michelle.johnson@nelsonmullins.com

Attorney for Defendant  
C.R. Bard, Inc.

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201 17<sup>th</sup> Street/ 17th Floor  
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(404) 322-6000 (phone)  
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### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the within and foregoing *Notice of Removal* by depositing a copy of same in the United States Mail in a properly addressed envelope with sufficient postage affixed thereto to ensure delivery to the following:

Mr. Benjamin B. Kandy  
The Law Office of Benjamin B. Kandy LLC  
534 Medlock Road  
Suite 109  
Decatur, GA 30030

This 28<sup>th</sup> day of October, 2014.

s/ Michelle W. Johnson  
Michelle W. Johnson  
Georgia Bar No. 759611